
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ERIC SMITH,

Plaintiff,

v.

CITY OF EVANSTON, WYOMING and
CODY SALOGA,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING [15] REPORT AND
RECOMMENDATION**

Case No. 1:25-cv-00037-DBB-DBP

District Judge David Barlow

The Report and Recommendation¹ issued by United States Magistrate Judge Dustin B. Pead recommends denying Plaintiff's Motion for Leave to Proceed In Forma Pauperis and dismissing the action without prejudice for improper venue pursuant to 28 U.S.C. § 1406(a).² Judge Pead recommends dismissing the case for improper venue because Plaintiff does not allege that any defendant resides in Utah and the events giving rise to the claims occurred in Wyoming.³

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days of its service pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72.⁴ No party filed an objection.

¹ Report and Recommendation, ECF No. 15, filed Apr. 23, 2025.

² *Id.* at 2–3.

³ *Id.* at 2; *see also* 28 U.S.C. § 1391(b) (“A civil action may be brought in . . . (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.”).

⁴ Report and Recommendation 3.

Because no party filed a written objection to the Report and Recommendation by the specified deadline, and because the analysis and conclusions of the Magistrate Judge are sound, the Report and Recommendation is adopted.

ORDER

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED.⁵ Plaintiff's Motion for Leave to Proceed In Forma Pauperis is DENIED. The case is DISMISSED WITHOUT PREJUDICE for improper venue pursuant to 28 U.S.C. § 1406(a).

Signed May 22, 2025.

BY THE COURT:



David Barlow
United States District Court Judge

⁵ ECF No. 15.